

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 19, 2007**

**Holiday. No minutes on this day.**

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007**

G035385     THE PEOPLE  
              v.  
              GERALD KAPLAN

Order filed. Submission in the above-entitled matter is vacated, and briefing on the merits of the Cunningham issue shall be as provided for in the Miscellaneous order.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel J.

G035684     THE PEOPLE  
              v.  
              McKINLEY PIERCE ATKINS

Order filed. Submission in the above-entitled matter is vacated, and briefing on the merits of the Cunningham issue shall be as provided for in the Miscellaneous order.

Bedsworth, Acting P.J.

Before Bedsworth, Acting P.J., O’Leary, J. and Moore, J.

G036101     EDWARD J. DEMPSEY  
              v.  
              MARK MATTHEWS

Order filed. The petition for rehearing is denied.

Moore, J.

We concur:    Bedsworth, J.  
                      O’Leary, J.

G036608     THE PEOPLE  
              v.  
              HERMILIO MARTINEZ

Order filed. Submission in the above-entitled matter is vacated, and briefing on the merits of the Cunningham issue shall be as provided for in the Miscellaneous order.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007 (cont'd)**

G036608    THE PEOPLE  
              v.  
              HERMILIO MARTINEZ

Order filed. Submission in the above-entitled matter is vacated, and briefing on the merits of the Cunningham issue shall be as provided for in the Miscellaneous order.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Ikola, J.

G037020    FARMERS & MERCHANTS TRUST  
              v.  
              FIRST AMERICAN TRUST COMPANY, FSB

Order filed. The petition for rehearing is denied.

Rylaarsdam, J.

We concur:    O’Leary, J.  
                      Ikola, J.

G038015    ARISTEO S.  
              v.  
              THE SUPERIOR COURT OF CALIFORNIA,  
              COUNTY OF ORANGE;  
              ORANGE COUNTY SOCIAL SERVICES  
              AGENCY et al.

Order filed. The above entitled cause is deemed submitted February 16, 2007.

Sills, P.J.

G038146    THE E.T.M. TRUST et al.  
              v.  
              THE SUPERIOR COURT OF ORANGE COUNTY  
              JOHN HARWOOD et al.

Order filed. The alternative writ is dissolved and the petition for writ of mandate is denied as moot. Oral argument scheduled for June 2007 is vacated.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007 (cont'd)**

G037045 THE PEOPLE

Not for publication

v.

MANUEL AYALA CHAVEZ

Opinion filed. The judgment is affirmed.

O'Leary, J.

We concur: Bedsworth, Acting P.J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P. J., Aronson, J. and Ikola, J. Antoinette Cajigal, deputy clerk attending.

G037170     RIMA JONES  
              v.  
              THE HERTZ CORPORATION ET AL.

Merits. Cause called. No appearance by appellant Rima Jones in pro pria persona. Jeet Sen argued for respondent. Cause submitted.

G036979     GLORIA JEAN EVANS  
              v.  
              THERESA A. ZANOLA

Merits. Cause called. Charles K. Mills argued for appellant. Marc T. Egan argued for respondent. Cause submitted.

G036859     SHARON KELLY  
              v.  
              JAMES KELLY

Merits. Cause called. Karen A. Rhyne argued for appellant. David Boros argued for respondent. Cause submitted.

G036517     CHAD J. SMITH ET AL.  
              v.  
              STEWART TITLE OF CALIFORNIA INC., ET AL.

Merits. Cause called. Jerome D. Stark argued for appellants. John L. Bailey argued for respondent Stewart Title of California. Lee A. Morrison argued for respondent Pacifica REO, LLC. Cause submitted.

G035732     DEANNA BURTON  
              v.  
              MERCURY CASUALTY COMPANY

Merits. Cause called. Dennis P. Riley argued for appellant. Jonathan D. Miller argued for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007 (cont'd)**

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 20, 2007 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Moore, J. and Fybel, J. Antoinette Cajigal, deputy clerk attending.

G037019      QUEEN VILLAS HOME ASSOCIATION  
                 v.  
                 TCB PROPERTY MANAGEMENT ET AL.

Merits. Cause called. Stuart W. Knight argued for appellant. Jennifer C. Lyons argued for respondents. Cause submitted.

G037236      MADERA-FONT  
                 v.  
                 WENTWORTH, PAOLI PURDY LLP ET AL.

Merits. Cause called. Richard A. Jorgensen argued for appellant. Cindy A. Shapiro argued for respondents. Cause submitted.

G037180      SOUTHERN COUNTIES CONSTRUCTIONS  
                 v.  
                 GARDEN GROVE RV STORAGE

Merits. Cause called. Scott E. Christensen argued for appellant. Timothy M. Ryan argued for respondent. Cause submitted.

G036568      SUZANNE MILKEY ET AL.  
                 v.  
                 HOTEL EMPLOYEES & RESTURANT EMPLOYEES ET AL.

Merits. Cause called. Michael T. Anderson argued for appellants. Michael Lee Gilmore argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 21, 2007**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street,  
Santa Ana, California 92701. Panel members are Bedsworth, Acting P. J., O'Leary, J.  
and Aronson, J. Antoinette Cajigal, Deputy Clerk attending.

GO36903     THE PEOPLE  
              v.  
              VICTOR H. CASTRO ET AL.

Merits. Cause called. Michael Ian Garey argued for appellant Victor Hugo Castro. Stephen S. Buckley argued for appellant Felipe Cisneros. Christine Bergman, Deputy Attorney General argued for respondent. Cause submitted.

G037217     THE PEOPLE  
              v.  
              FRED BOYZO

Merits. Cause called. Richard De La Sota argued for appellant. Janelle Boustany, Deputy Attorney General argued for respondent. Cause submitted.

G037144     THE PEOPLE  
              v.  
              SAUL MORENO

Merits. Cause called. Richard L. Schwartzberg argued for appellant. Janelle Boustany, Deputy Attorney General argued for respondent. Cause submitted.

G036745     THE PEOPLE  
              v.  
              BAO QUOC NGUYEN

Merits. Cause called. Lynne M. Patterson argued for appellant. Megan Beale, Deputy Attorney General argued for respondent. Cause submitted.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 21, 2007 (cont'd)**

G036877     THE PEOPLE  
              v.  
              RAUL R. COREA

Merits. Cause called. Vicki M. Buchanan argued for appellant. Robert Foster, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 21, 2007 (cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and Ikola, J. Antoinette Cajigal, Deputy Clerk attending.

G035775     THE PEOPLE  
              v.  
              JOHN WANG

Merits. Cause called. William J. Kopeny argued for appellant. Jennifer Jadovitz, Deputy Attorney General argued for respondent. Cause submitted.

G036077     THE PEOPLE  
              v.  
              VICTORIA CHRISTINA HAWLISH

Merits. Cause called. Brent D. Riggs argued for appellant. Kristen Buie, Certified Law Student argued for respondent with Scott Taylor as the supervising Deputy Attorney General. Cause submitted.

G036762     THE PEOPLE  
              v.  
              PHILLIP ANTHONY KROHN

Merits. Cause called. Correen W. Ferrentino argued for appellant. Wade Poulson certified law student argued for respondent with Scott Taylor as the supervising Deputy Attorney General. Cause submitted.

G037194     RODRIGO V. de MERCADO  
              v.  
              THE SUPERIOR COURT OF CALIFORNIA; THOMAS McCLUNG ET AL.

Merits. Cause called. George Wallace argued for petitioner. Steven A. Ehrlich argued for real parties in interest. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 21, 2007 (cont'd)**

G035759     THE PEOPLE  
              v.  
              OSCAR DAVID ANDRADE ET AL.

Merits. Cause called. David J. Macher argued for appellant Oscar D. Andrade. Sharon M. Jones argued for appellant Cesar I. Loza. Brett H. Duxbury argued for appellant Peter A. Rizo. Lynne McGinnis, Deputy Attorney General argued for respondent. Cause submitted.

G036763     THE PEOPLE  
              v.  
              HOBERT GOMEZ

Merits. Cause called. Brent D. Riggs argued for appellant. Kristen Buie certified law student argued for respondent with Scott Taylor as the supervising Deputy Attorney General. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 21, 2007**

G036413     THE PEOPLE  
              v.  
              ROY LEE MORTON

Order filed. Appellant submitted a supplemental opening brief on the Cunningham issue in accordance with miscellaneous order No. 02027. Submission in the above-entitled matter is vacated, and briefing on the merits of the Cunningham issue shall be as provided for in the miscellaneous order.

Bedsworth, Acting P.J.

Before Bedsworth, Acting P.J., O’Leary, J., and Moore, J.

G037556     GOLDEN WEST ELECTRIC, INC.  
&             v.  
G038122     CONTROLLED ENVIRONMENTS  
              CONSTRUCTION, INC.

Order filed. Appellant filed a motion to consolidate this case with case number G038122. The motion is granted. Case number G037556 is consolidated with Case number G038122 for all purposes, including briefing, oral argument and Decision on appeal.

G035918     BANK OF ORANGE COUNTY  
              v.  
              ALBERT S. AZAR et al.

Not for publication

Opinion filed. Reversed and remanded with directions.

Bedsworth, Acting P.J.

We concur:    O’Leary, J.  
                      Ikola, J.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 22, 2007**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P. J., Rylaarsdam, J. and Fybel, J. Shahira Naqshbandy, Deputy Clerk attending.

**G036523**      CAL AERO JET CENTER LLC ET AL.  
                         V.  
                         RILEY AIR CHARTER, INC.

Merits. Cause called. Edwin Paul argued for appellant. Carlos F. Negrete argued for respondents. Cause submitted.

G037001      AMC, INC. ET AL.  
                         v.  
                         CHU PHAN ET AL.

Merits. Cause called. Stephen E. Abraham argued for appellants. Ronald S. Cooper argued for respondents. Cause submitted.

G036228      QUARTZ DEALER DIRECT  
&                   v.  
G036343      MULLEN BROS, INC.

Merits. Cause called. Jeffrey B. McMillen argued for appellant. Paula M. Harrelson argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 22, 2007**

G037726     MARK SEIDENBERG  
&             v.  
G038072     TUSTIN AVE. TRUST et al.

Order filed. No opposition having been received, on the court's own motion, and for good cause, cause number G037726 is consolidated with case number G038072 for all purposes, including briefing, oral argument and decision on appeal.

Sills, P.J.

G038142     In re IN RE DEAN CHRISTIAN  
On Habeas Corpus

Order filed. THE COURT:\* The petition for a writ of habeas corpus is denied.  
Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel, J.

G038191     COLE ALLEN WILKINS  
v.  
THE SUPERIOR COURT OF ORANGE COUNTY;  
THE PEOPLE OF THE STATE OF CALIFORNIA

Order filed. THE COURT:\* The petition for a writ of prohibition and request for immediate stay are denied.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel, J.

G038231     In re OLGA LILIA TOSCANO  
On Habeas Corpus

Order filed. THE COURT:\* The petition for a writ of habeas corpus is denied.  
Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 22, 2007 (cont'd)**

G038267      PRINCE MARYLAND

v.

THE SUPERIOR COURT OF ORANGE  
COUNTY;

THE PEOPLE OF THE STATE OF CALIFORNIA

Order filed. THE COURT:\* The petition for a writ of mandate/prohibition and request for immediate stay are denied.

Sills, P.J.

Before Sills, P.J., Aronson, J., and Fybel, J.

G037115      THE PEOPLE

v.

TRACY SCOTT CHRISTOPHER STILES

Not for publication

Opinion filed. The appeal is dismissed.

Ikola, J.

We concur:    Bedsworth, Acting P.J.  
                         Aronson, J.

G036516      THE PEOPLE

v.

MISABEL BALLINAS TORRES

Not for publication

Opinion filed. The judgment is affirmed.

Fybel, J.

We concur:    Sills, P.J.  
                         O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 22, 2007**

Court convened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acing P. J., Aronson, J. and Ikola, J. Shahira Naqshbandy, Deputy Clerk attending.

G037148     MARC FAWAZ  
              v.  
              THE VILLAS AT CORTE BELLA COMM, ASSOC. ET AL.

Merits. Cause called. Kenneth C. Feldman argued for appellants. No appearance by respondent attorney Jose I.Y. Utzurum. Cause submitted.

G037129     ROBERT C. THOMAS  
              v.  
              DIANE THOMAS

Merits. Cause called. Appellant, Diane Thomas argued in propria persona. Attorney Marjorie G. Fuller argued for respondent. Cause submitted.

G037133     PAUL C. ESTEBO  
              v.  
              ERLA N. GONZALEZ ET AL.

Merits. Cause called. Timothy P. Peabody argued for appellant Paul Estebo. Charles A. swartz argued for Maria Trinidad. Raymond Gaitan argued for respondent Erla Gonzalez. Cause submitted.

Court declared a recess.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 23, 2007**

Court reconvened at 9:30 p.m. in the courtroom located at 925 N. Spurgeon Street,  
Santa Ana, California 92701. Panel members are Bedsworth, Acting P. J., O'Leary, J. and  
Fybel, J. Antoinette Cajigal, Deputy Clerk attending.

G037260      SUNWEST BANK  
                 v.  
                 MIKE RAFIPOOR

Merits. Cause called. Michael D. Rogers argued for appellant. No appearance  
by counsel for respondent. Cause submitted.

G036808      BERNARD FALLON ET AL.  
                 v.  
                 BARRY SHREIAR

Merits. Cause called. Jeffrey S. Bernice argued for appellants. David A.  
Robinson argued for respondent. Cause submitted.

G037319      GEORGE OGLE ET AL.  
                 v.  
                 PACIFICARE LIFE & HEALTH INSURANCE ET AL.

Merits. Cause called. Douglas J. Colledel argued for appellants. Andrew F.  
Pierce argued for respondents. Cause submitted.

G037056      CRYOPORT SYSTEMS  
                 v.  
                 CONTINENTAL CASUALTY ET AL.

Merits. Cause called. Donald R. Hall argued for appellant. John A. Taylor, Jr.  
argued for respondents. Cause submitted.

G036522      RAY FLADEBOE ET AL.  
                 v.  
                 AMERICAN ISUZU MOTORS, INC.

Merits. Cause called. David B. Dimiruk argued for appellants. James M.  
Mulcahy argued for respondents. Cause submitted

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 23, 2007**

G037607     YMELDA T. PATRICK  
&             v.  
G037261     JAMES TURNER et al.

Order filed. Plaintiff filed a motion to consolidate the above appeal with case number G037261. Opposition having been filed and considered by the court, the motion to consolidate is denied.

Sills, P.J.

G036382     JACQUELINE B. REEDY, as Trustee, etc.  
                 v.  
                 LETANTIA BUSSELL et al.

Not for publication

Opinion filed. The appeal is dismissed. Each side is to bear its own costs on appeal.

Bedsworth, J.

We concur:   Sills, P.J.  
                      Fybel, J.

G036532     JOSEPH CARROLL  
                 v.  
                 TRUTHIN HOME LOANS, INC., et al.

Not for publication

Opinion filed. Affirmed in part and reversed in part.

Sills, P.J.

We concur:   Rylaarsdam, J.  
                      Ikola, J.

G036567     THE PEOPLE  
                 v.  
                 GORDON RAY BODKIN

Not for publication

G037214     

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In re GORDON RAY BODKIN

Opinion filed. The judgment is affirmed.

Rylaarsdam, J.

We concur:   Sills, P.J.  
                      Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
February 23, 2007 (cont'd)**

G036655     JACQUELINE B. REEDY, as Trustee, etc.     Not for publication  
(Consol. W/ v.  
G036665)     TODD BUSSELL

Opinion filed. The orders are affirmed.

Bedsworth, J.

We concur:   Sills, P.J.  
                    Fybel, J.

G037423     KRISTINA DYER     Not for publication  
                    v.  
                    EXON MARTINEZ et al.

Opinion filed. The judgment is affirmed.

Aronson, J.

We concur:   Rylaarsdam, Acting P.J.  
                    Fybel, J.